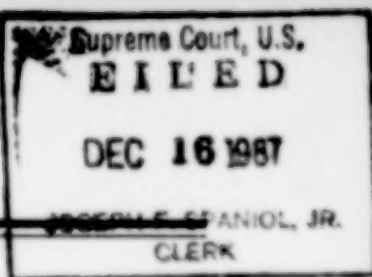


No. 87-775



IN THE
Supreme Court of the United States
OCTOBER TERM, 1987

UNITED FAMILIES OF AMERICA,

Appellant,

—VS.—

CHAN KENDRICK, ET AL.,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MEMORANDUM OF APPELLEE KENDRICK

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This case involves a challenge to the Adolescent Family Life Act ("AFLA"), Title XX of the Public Health Services Act, 42 U.S.C. §§ 300 *et seq.* The district court below held in an opinion dated April 15, 1987, that the provisions of the AFLA violate the Establishment Clause of the First Amendment. In an opinion dated August 13, 1987 the district court held that the unconstitutional provisions were severable from the remainder of the Act. The Secretary of the Department of Health and Human Services, defendant below, appealed the district court's decision, and appellees cross-appealed on the question of severability. On November 9, 1987, this Court noted probable jurisdiction for each appeal, (docket nos. 87-253, 87-431, and 87-462) and consolidated the cases.

Appellant United Families of America ("UFA") intervened in the case below on behalf of the defendant and on November 10, 1987 appealed the district court's final determination that the AFLA was unconstitutional. Because this Court has

already agreed to hear the government's identical appeal of the district court's decision, appellees do not oppose this Court noting probable jurisdiction over UFA's appeal. Because UFA's appeal raises related issues raised by the government's appeal, appellees respectfully move this Court to consolidate the appeals upon noting probable jurisdiction in this docket.

Respectfully submitted,

/s/ JANET BENSHOOF

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Dated: December 15, 1987